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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,839	05/24/2001	Gerard Jay Bellasalma	60137-035	4997

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EXAMINER

MACKEY, JAMES P

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 01/02/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,839

Applicant(s)

BELLASALMA ET AL.

Examiner

James Mackey

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 15-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, Figure 3, claims 1-14; and

Species B, Figure 5, claims 15-28.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. David Wisz on Dec. 19, 2002, a provisional election was made with traverse to prosecute the invention of Species A, claims 1-14.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9, 11, 12 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, "said male lock pin" lacks proper antecedent basis in the claim (note line 4 which recites a "male lock member").

In claim 3, "said a pin" is grammatically incorrect, and "pin receives said groove" is unclear and indefinite, since claim 2 recites that the pin includes the groove, and therefore it is unclear how the pin can "receive" the groove.

In claim 6, lines 2 and 3, "said pin" (twice) lacks proper antecedent basis in the claim.

In claim 9, lines 2-3, "operable to simultaneously said lock plate" is incomplete and should be corrected.

In claim 11, "said a pin" is grammatically incorrect, and "pin receives said groove" is unclear and indefinite, since claim 10 recites that the pin includes the groove, and therefore it is unclear how the pin can "receive" the groove.

In claim 12, "said male lock member" lacks proper antecedent basis in the claim.

In claim 14, lines 2-3, "operable to simultaneously said lock plate" is incomplete and should be corrected.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

8. Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kitamura (U.S. Patent 5,306,137; Figures 1, 3, 4 and 9).

Kitamura '137 teaches a centrifugal casting mold assembly comprising a first mold portion 2, 4 having a male lock pin 6 extending therefrom, the pin having a groove formed

Art Unit: 1722

underneath a head 9 which includes a frustoconical portion, a second mold portion 3, 5 having a female lock member including a lock plate 13 slidably mounted thereon, the lock plate having an opening for perpendicularly engaging under the head of the male lock pin (which passes through an opening 5a in the second mold portion) to clamp the first and second mold portions together, and an actuator 34 for sliding the lock plate relative to the second mold portion to move the lock plate between locked and unlocked positions.

9. Claims 1-3, 5-8, 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rydmann et al. (U.S. Patent 5,375,991; Figures 13-14).

Rydmann et al. teach a mold assembly comprising a first mold portion 7 having male lock pins 31 extending therefrom, each pin having a groove 35 formed therein, a second mold portion 3 having a female lock member including a lock plate 36 slidably mounted therein, the lock plate having keyhole-shaped openings for perpendicularly engaging the grooves of the pins (which pass through openings in the second mold portion) to clamp the first and second mold portions together, and an actuator 44 for sliding the lock plate relative to the second mold portion to move the lock plate between locked and unlocked positions.

10. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yonekubo et al. (U.S. Patent 5,456,588; Figures 24-34).

Yonekubo et al. teach a mold assembly comprising a first mold portion 1 having male lock pins 6 extending therefrom, each pin having grooves 6a formed therein and a frustoconical end portion, a second mold portion 2 having a female lock member including a lock plate 11 slidably mounted therein, the lock plate having keyhole-shaped openings 11f, 11g for perpendicularly engaging the grooves of the pins (which pass through openings in the second

Art Unit: 1722

mold portion) to clamp the first and second mold portions together, and an actuator 8 for sliding the lock plate relative to the second mold portion to move the lock plate between locked and unlocked positions.

11. Claims 1-3, 5-11, 13 and 14 are rejected under 35 U.S.C. 102(a) and/or 102(e) as being clearly anticipated by Kaselow et al. (U.S. Patent 6,220,848; Figures 1-4).

Kaselow et al. teach a mold assembly comprising a first mold portion 3 having male lock pins 7 extending therefrom, each pin having a groove 9 formed therein, a second mold portion 2 having female lock members including lock plates 12 slidably mounted therein, the lock plates each having a keyhole-shaped opening 11, 13 for perpendicularly engaging the groove of the pins (which pass through openings in the second mold portion) to clamp the first and second mold portions together, and an actuator 5 for simultaneously slide both lock plates relative to the second mold portion to move the lock plates between locked and unlocked positions.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

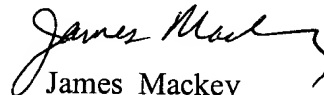
Tribbett et al. (U.S. Patent 3,947,196; note keyholes 74 on lock plates 72), Minaudo (U.S. Patent 5,186,953; Figures 1-3), Lesneski (U.S. Patent 5,316,458; Figures 2-4) and Traeger (U.S. Patent 3,188,692) each disclose mold clamping means including slidable lock plates having keyhole-shaped openings for engaging with lock pins. Cadogan-Rawlinson et al. (U.S. Patent 3,920,364; col. 4, lines 1-8) disclose a mold clamping means including a slidable lock plate engaging with a groove 31 on lock pin 34. Manchak, Jr. et al. (U.S. Patent 5,156,818 ; Figure 8) disclose a rotational mold having pivotable lock members 30 for clamping the mold members together. Marcuz et al. (U.S. Patent 6,264,458) disclose a pivotable mold clamping device.

Art Unit: 1722

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is 703-308-1195. The examiner can normally be reached on M-F, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



James Mackey
Primary Examiner
Art Unit 1722

12/27/02

jpm
December 27, 2002